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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,562	07/30/2003	Scott Smith	760-12 DIV/CON	8643
23869	7590	07/08/2004	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			ISABELLA, DAVID J	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/630,562	<b>Applicant(s)</b> SMITH, SCOTT	
	<b>Examiner</b> DAVID J ISABELLA	<b>Art Unit</b> 3738	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1,2,4,5,8,9,11,12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hieshima, et al (6063111).**

A stent/graft composite device formed from a flat preformed planar strip and stent assembly comprising: an elongate preformed non-textile planar strip of polymeric graft material having first and second opposed surfaces and a planar stent attached onto one of said opposed flat surfaces of said strip to form said flat strip assembly, said strip assembly being helically wound into a continuous tubular structure. A stent/graft composite device (Figure 2A) formed from a flat preformed planar strip (30,32) and stent assembly (10a) comprising: an elongate preformed non-textile planar strip of polymeric graft material having first and second opposed surfaces and a planar stent attached onto one of said opposed flat surfaces of said strip to form said flat strip assembly, said strip assembly being helically wound into a continuous tubular structure is disclosed by Hieshima, et al.

Claim 2, see column 4, lines 25+ for teaching of overlap.

Claim 4, see planar strips 30 and 32.

Claim 5, the stent is sealed between the two planar strips (column 4, lines 15+.).

Claim 8, see figure 2A.

Claim 9, see plurality of stent wires in figure 11 and supporting specification column 6, lines 30+.

Claim 11, see column 3, lines 25+.

Claims 12 and 13, see figure 1A. It is not clear how what structural characteristics distinguishes a planar wire from a planar ribbon.

**Claims 1,2,4,5,8,9,11,12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Martin et al (6042605).**

A stent/graft composite device formed from a flat preformed planar strip (8) and stent assembly comprising: an elongate preformed non-textile planar strip of polymeric graft material having first and second opposed surfaces and a planar stent (6) attached onto one of said opposed flat surfaces of said strip to form said flat strip assembly, said strip assembly being helically wound into a continuous tubular structure is disclosed by Martin, et al.

Claim 3, the helical windings do not overlap.

Claims 6 and 7, see column 14, lines 5+.

Claim 8, see tubular structure shown in figure 1A.

Claim 9, see plurality of stent wires in the figures.

Claim 10, see linking of the stent wires in the figures.

Claim 11, see column 13, lines 15+.

**Claims 1-9, 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Banas et al (6264684).**

A stent/graft composite device formed from a flat preformed planar strip (36) and stent assembly comprising: an elongate preformed non-textile planar strip of polymeric graft material having first and second opposed surfaces and a planar stent (38) attached onto one of said opposed flat surfaces of said strip to form said flat strip assembly, said strip assembly being helically wound into a continuous tubular structure is disclosed by Martin, et al.

Claim 2, see figure 13 for teaching of overlap.

Claim 3, see figures 1 and 4B for teaching of non-overlap.

Claims 6 and 7, see column 4, lines 40+.

Claim 8, see figures for tubular shape.

Claim 11, see column 3, lines 13+.

Claim 12-13, see appropriate embodiments shown in figures 5-12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J ISABELLA whose telephone number is 703-308-3060. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 703-308-2111. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID J ISABELLA  
Primary Examiner  
Art Unit 3738

DJI  
7/6/2004